

Responses to Recent Questions from Staff at EPA Region 2

How is EFC's IUP developed?

- New York State's CWSRF Intended Use Plan is developed and implemented in compliance with 33 U.S.C. 1386(c), the applicable implementing regulations and other applicable law and governing authority.

What type of information does EFC receive from applicants?

- EFC receives a variety of engineering, financial and legal information with which it analyzes potential projects.

How are projects determined to be eligible for CWSRF assistance?

- EFC and DEC staff is involved in determining whether a project is eligible for CWSRF financial assistance. A Memorandum of Understanding between the two entities is attached as Attachment 1 to the current Operating Agreement and sets forth a general allocation of responsibilities.

How does the scoring system work?

- Projects are scored in accordance with 6 NYCRR Part 649.13.

What are the Categories in the CWSRF IUP?

- The Categories in the CWSRF IUP are set forth at 6 NYCRR Part 649.3. The categories used most frequently are:
 - Category A- Municipalities with population 3500 or less
 - Category B-3501 to 2,000,000
 - Category C- over 2,000,000
 - Category D- Communities with financial hardship
 - Category E- Non Municipal Entities
 - Category G- Green Innovations Grant Program

Why is NYS Thruway in Category C?

- The NYS Thruway Authority was created and exists for the benefit of the people of the State and its properties are held in the name of the people of the State. Accordingly, we have attributed the State's population (>2 million) to the jurisdiction of the NYS Thruway Authority and placed it in Category C of the IUP.

What are the sources of CWSRF funds?

- Sources of CWSRF funds include CWSRF capitalization grant, State matching funds, repayments and refinancings of existing financings, fees and investment returns.

How are funds allocated to IUP Categories?

- Funds are allocated to projects initially and through “bypass” in conformity with 6 NYCRR Part 649.3.

How is the IUP revised?

- Section 3.6 of the 2014 CWSRF Intended Use Plan sets forth the conditions under which the IUP can be modified and amended. Our related ENB Notice set forth the basis upon which we determined that the manner in which we were proceeding complied with the IUP.

What does the Operating Agreement say about Section 320 Projects?

- Section 1E of the Operating Agreement states “The provisions of this Operating Agreement are subject to the of the Clean Water Act (33 U.S.C. 1381, et. seq.), the regulations set forth at 40 CFR Part 35, Subpart K, and all other applicable statutes, Executive Orders and regulations, which are incorporated by reference herein.” Accordingly, the provisions of the Clean Water Act (33 U.S.C 1383(c)(3)) authorizing CWSRF financial assistance for development and implementation of a conservation and management plan under Section 320 of the Clean Water Act are incorporated by reference into the Operating Agreement.